

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Robert St. Pierre and Patricia St. Pierre

Plaintiffs

v.

Best Buy Stores, LP, Dantuc, L.L.C. and

BBC Property Co.

Defendants

Case No: 1:10cv-221-LM

**DEFENDANTS' ANSWER TO COMPLAINT AND DEMAND FOR
JURY TRIAL**

NOW COME Defendants, Best Buy Stores, LP, Dantuc, L.L.C. and BBC Property Co
("Defendants"), by and through their attorneys, Backus, Meyer & Branch, LLP, and
answer Plaintiffs' Complaint as follows:

INTRODUCTION

1. Paragraph 1 contains a statement of the case to which a response is not required. To the extent that a response is deemed required, Defendants deny same.

JURISDICTION AND VENUE

2. Diversity of citizenship jurisdiction is admitted. The amount in controversy is denied.
3. Venue is admitted.
4. Jury trial demand and no answer is required. Defendants also demand a trial by jury.

PARTIES

5. Defendants are without sufficient information to either admit or deny the allegations contained in Paragraph 5 and therefore deny same.

6. Admitted.
7. Admitted.
8. Admitted.
9. Defendants repeat and restate each and every response to Paragraphs 1-8 of the Complaint as though set forth herein at length.
10. Defendants admit that on June 5, 2008, Plaintiff, Robert St. Pierre, was a retail customer in the Best Buy store located at 78 D'Amante Drive, Concord, New Hampshire.
11. Defendants are without sufficient information to either admit or deny the allegations in contained in Paragraph 11, and therefore deny same.
12. Defendants deny the allegations contained in Paragraph 12.
13. Defendants deny the allegations contained Paragraph 13.
14. Defendants deny the allegations contained Paragraph 14.
15. Defendants deny the allegations contained Paragraph 15.
16. Defendants deny the allegations contained Paragraph 16.
17. Defendants deny the allegations contained Paragraph 17.
18. Defendants deny the allegations contained Paragraph 18.
19. Defendants deny the allegations contained Paragraph 19.
20. Defendants deny the allegations contained Paragraph 20.
21. Defendants deny the allegations contained Paragraph 21.
22. Defendants deny the allegations contained Paragraph 22.
23. Defendants deny the allegations contained Paragraph 23.
24. Defendants deny the allegations contained Paragraph 24.

25. Defendants deny the allegations contained Paragraph 25.
26. Defendants deny the allegations contained Paragraph 26.
27. Defendants repeat and restate each and every response to Paragraphs 1-26 of the Complaint as though set forth herein at length.
28. Defendants deny the allegations contained Paragraph 28.

DEMAND FOR JURY TRIAL

Defendants request a jury trial in this matter.

AND BY WAY OF FURTHER ANSWER, Defendants assert the following affirmative defenses to Plaintiffs' Complaint:

FIRST AFFIRMATIVE DEFENSE

Plaintiffs fail to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

The injuries and damages alleged by the Plaintiffs were caused by an independent, intervening cause or causes, not in any way involving these Defendants.

THIRD AFFIRMATIVE DEFENSE

The injuries and damages alleged by the Plaintiff, Robert St. Pierre, were caused by his sole negligence.

FOURTH AFFIRMATIVE DEFENSE

The injuries and damages alleged by the Plaintiff, Robert St. Pierre, were caused by his negligence, which was greater than any negligence which might be attributable to either, any or all of the Defendants, which negligence, however, the Defendants deny.

FIFTH AFFIRMATIVE DEFENSE

Certain injuries and damages alleged by the Plaintiff, Robert St. Pierre, were caused by another party or parties, and not these Defendants.

SIXTH AFFIRMATIVE DEFENSE

Pursuant to New Hampshire common law, Plaintiffs are not entitled to an award of attorney's fees.

SEVENTH AFFIRMATIVE DEFENSE

Defendants reserve the right to assert additional affirmative defenses available to them or any of them, to the extent that such defenses are discovered during the course of discovery.

WHEREFORE, Defendants respectfully requests that this Honorable Court:

- A. Dismiss the Complaint with prejudice;
- B. Award the Defendants fees and costs, as appropriate; and
- C. Grant such other and further relief as justice and equity may require.

Respectfully Submitted,

Best Buy Stores, LP, Dantuc, L.L.C. and
BBC Property Co.

By their attorneys,
BACKUS, MEYER & BRANCH, LLP

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the following person via Electronic Filing: Charles P. Bauer, Esquire, Gallagher, Callahan & Gartrell, 214 N. Main Street, P.O. Box 1415, Concord, NH 03302-1415.

Date: 08/13/2010

/s/ Barry M. Scotch
Barry M. Scotch